

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claims 1, 4, 5, 12, 27, 29 and 32-39 are currently being cancelled.

Claims 18, 26, 30 and 40 are currently being amended.

Claims 41-49 are currently being added.

This amendment adds, cancels and amends in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 18, 25-26, 30 and 40-49 are now pending in this application.

Request for Entry of After-final Amendment and Reply:

Applicant respectfully requests that this after-final amendment and reply be considered and entered, since it is believed to place this application in condition for allowance.

Indication of Allowable Subject Matter

Applicant appreciates the indication of allowable subject matter made in the Office Action with respect to claim 40. Claim 40 has been amended to remove some of the steps recited in that claim, whereby those steps are now recited in claims 48 and 49, which depend from claim 40. Claim 40, as amended, is believed to patentably distinguish over the cited art of record. Claim 48 is also believed to patentably distinguish over the cited art of record, and claim 49 (which corresponds to previous claim 40) distinguishes over the cited art of record based on the indications made in the Office Action.

Claims Rejections - 35 USC § 112

In the Office Action, claims 1-5, 10, 12, 14-27, 29-30, 32-35, and 40 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Presently pending claim 18 and 30 have each been amended such that they now recite that the predetermined form pattern includes a rectangular pattern, whereby those

claims are believed to fully comply with 35 U.S.C. § 112, first paragraph. Regarding claim 40, support for the features previously added to that claim can be found on page 9, line 15 to page 10, line 7, page 13, lines 14-24, and page 17, lines 19-25 of the specification, and in Figures 8A and 8B of the drawings, for example. Also, page 8, lines 8-21 of the specification describes the use of density distributions of different values for the foreground and the background areas. See also page 18, lines 1-9 of the specification, which provides an equation for computing the autocorrelation coefficient. Claims 1-5, 10, 12, 14-17, 19-27, 29 and 32-35 have been canceled, thereby mooting the 35 U.S.C. § 112, first paragraph rejection of those claims.

Claim Objections

In the Office Action, claims 32-35 were objected to because they are difficult to understand. Based on the cancellation of claims 32-35, this objection is now moot.

Claims Rejection - 35 USC § 103

In the Office Action, claims 1, 4-5, 12, 18, 25-26, and 36-37 were rejected under 35 U.S.C. 103(a) as being unpatentable in view of the combination of Hashima (U.S. Patent No. 6,115,505) and Wilcke (U.S. Patent No. 6,240,209); claims 27, 29, and 38-39 were rejected under 35 U.S.C. 103(a) as being unpatentable in view of the combination of Hashima, Wilcke and Molley (U.S. Patent No. 5,060,282); and claims 32-35 were rejected under 35 U.S.C. 103(a) as being unpatentable in view of the combination of Hashima, Wilcke and Jang (U.S. Patent No. 5,757,953). These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

The Office Action asserts that Wilcke discloses that the formed pattern can be a concave or convex structure (column 2, lines 16-22). However, in sharp contrast to the present invention, Wilcke refers to the concave or convex structure for the input image, and not for the reference image (this same argument still applies to a rectangular structure). Therefore, a person skilled in the art could not have arrived at the present invention after combining the teachings of Hashima and those of Wilcke and Jang.

Accordingly, all of the presently pending claims under rejection are believed to patentably distinguish over the cited art of record.

New Claims:

New claims 41-48 have been added, whereby these new claims are also believed to patentably distinguish over the cited art of record.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 19, 2005

FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

By Phillip J. Articola

Richard L. Schwaab
Registration No. 25,479

Phillip J. Articola
Registration No. 38,819